

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM CLINTON MITCHELL,

Defendant.

2:21-CR-205-RFB-VCF

Amended Preliminary Order of Forfeiture

This Court finds William Clinton Mitchell pled guilty to Count One of a One-Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 1; Memorandum in Support of Guilty Plea, ECF No. 58; Change of Plea, ECF No. 60.

This Court imposes forfeiture of the property set forth in the Memorandum in Support of Guilty Plea and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Memorandum in Support of Guilty Plea, ECF No. 58; Change of Plea, ECF No. 60.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Memorandum in Support of Guilty Plea and the Forfeiture Allegation of the Criminal Indictment and the offense to which William Clinton Mitchell pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture under 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1 1. a Beretta APX, a 9mm caliber handgun bearing serial number A021408X;
2 2. ten 9mm caliber cartridges; and
3 3. any and all compatible ammunition
4 (all of which constitutes property).

5 This Court finds that on the government's motion, the Court may at any time enter
6 an order of forfeiture or amend an existing order of forfeiture to include subsequently
7 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

8 This Court finds the United States of America is now entitled to, and should, reduce
9 the aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
11 DECREED that the United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
13 rights, ownership rights, and all rights, titles, and interests of William Clinton Mitchell in
14 the aforementioned property are forfeited and are vested in the United States of America
15 and shall be safely held by the United States of America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
17 of America shall publish for at least thirty (30) consecutive days on the official internet
18 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
19 describe the forfeited property, state the times under the applicable statute when a petition
20 contesting the forfeiture must be filed, and state the name and contact information for the
21 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).
22 Notice is served on any individual or entity on the date when it is placed in the mail,
23 delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.
24 32.2(b)(6)(D) and Supplemental Rule G4(b)(i) and (iv).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
26 or entity who claims an interest in the forfeited property must file a petition for a hearing to
27 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C.
28 § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under

21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
Misty L. Dante
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED September 13, , 2023.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE